

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

William J. Myer
Debtor(s)

Bankruptcy Case No.: 15-70116-JAD
Issued Per Oct. 19, 2017 Proceeding
Chapter: 13
Docket No.: 55 – 52, 53
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 5, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☒ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase in the amount projected in the Plan.
Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.
U.S. Bank's modified loan payments began February, 2017.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: October 30, 2017

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 William J. Myer
 Debtor

Case No. 15-70116-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 21

Date Rcvd: Oct 30, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 01, 2017.

db +William J. Myer, 201 South Main Street, Homer City, PA 15748-1520
 cr +Wells Fargo Dealer Services, c/o Brett A. Solomon, Esquire, Tucker Arensberg, P.C.,
 1500 One PPG Place, Pittsburgh, PA 15222-5413
 13999280 +Diamond Medical Supply, 1354 Oakland Avenue, Indiana, PA 15701-2844
 13999281 +First Premier Bank, 601 S. Minnesota Ave., Sioux Falls, SD 57104-4868
 14042004 +H&R Block Bank, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 13999284 +Indiana Regional Medical Center, PO Box 788, Indiana, PA 15701-0788
 13999286 ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
 (address filed with court: Nationstar Mortgage, 350 Highland Drive, Lewisville, TX 75067)
 13999289 +RRC, PO Box 341308, Memphis, TN 38184-1308
 13999288 +Roberto Turnbull, MD, 1177 South 6th Street, Indiana, PA 15701-3759
 13999291 +TM Frick Enterprises, LLC, 56 S. 6th Street, Suite 100, Indiana, PA 15701-2757
 13999290 +The HMC Group, Collection Agency, PO Box 16211, Cleveland, OH 44116-0211
 13999292 +Tribute Compucredit Corp, PO Box 105555, Atlanta, GA 30348-5555
 14012545 Wells Fargo Bank, N.A., P.O. Box 19657, Irvine, CA 92623-9657
 13999293 +Wells Fargo Dealer Services, PO Box 1697, Winterville, NC 28590-1697

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

13999275 E-mail/Text: bnc-applied@quantum3group.com Oct 31 2017 01:19:33 Applied Bank,
 PO Box 10210, Wilmington, DE 19850
 13999277 +E-mail/Text: ccusa@ccuhome.com Oct 31 2017 01:18:22 Credit Collections USA,
 256 Greenbag Rd., Ste 1, Morgantown, WV 26501-7158
 13999278 +E-mail/Text: kcarter@creditmanagementcompany.com Oct 31 2017 01:19:34 Credit Management Co,
 2121 Noblestown Rd., Pittsburgh, PA 15205-3956
 13999282 E-mail/Text: dleabankruptcy@hrblock.com Oct 31 2017 01:18:26 H&R Block Bank, PO Box 30040,
 Tampa, FL 33630-3040
 13999285 +E-mail/Text: bankruptcydpt@mcmcg.com Oct 31 2017 01:19:07 Midland Funding LLC,
 8875 Aero Drive, Suite 200, San Diego, CA 92123-2255
 13999287 +E-mail/Text: bankruptcydepartment@tsico.com Oct 31 2017 01:19:45 NCO Financial,
 PO Box 15273, Wilmington, DE 19850-5273
 14012422 +E-mail/Text: bncmail@w-legal.com Oct 31 2017 01:19:20 U.S. Bank National Association,
 C/O Weinstein & Riley, P.S., 2001 Western Avenue, Ste. 400, Seattle, WA 98121-3132
 TOTAL: 7

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Nationstar Mortgage LLC as Servicer for U.S. BANK
 cr U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCE
 13999279* +Credit Management Company, 2121 Noblestown Rd., Pittsburgh, PA 15205-3956
 13999276 ##+Collection Service Center, PO Box 68, Altoona, PA 16603-0068
 13999283 ##+Indiana Healthcare Physician Services, 9 North 7th Street, Suite 203,
 Indiana, PA 15701-1880

TOTALS: 2, * 1, ## 2

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
 will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
 debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
 shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
 Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
 by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 01, 2017

Signature: /s/Joseph Speetjens

District/off: 0315-7

User: jhel
Form ID: 149

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Total Noticed: 21

Date Rcvd: Oct 30, 2017

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 30, 2017 at the address(es) listed below:

Aurelius P. Robleto on behalf of Debtor William J. Myer apr@robletolaw.com, rmk@robletolaw.com, mdg@robletolaw.com, apr@ecf.courtdrive.com
Brett A. Solomon on behalf of Creditor Wells Fargo Dealer Services bsolomon@tuckerlaw.com, agilbert@tuckerlaw.com; cabbott@tuckerlaw.com; dparanay@tuckerlaw.com
James Warmbrodt on behalf of Creditor Nationstar Mortgage LLC as Servicer for U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR BY MERGER TO LASALLE BANK NATI bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR MERRIL bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6